

LOSE MILLIONS ON A CEMETERY

Pineclaw Investors to Get Only 91-2 Cents on Each Share.

LURED BY 710 PER CENT.

Court Orders Payment After Legal Fight of 5 Years.

CATHEDRAL BOUGHT LOTS

Between \$2,000,000 and \$3,000,000 Stock Sold—Prosecution Barred.

Shareholders in the Pineclaw Cemetery, who were assured of dividends of 710 per cent. when they bought shares at \$5 to \$10 a few years ago, are to have a dividend of almost 10 cents a share as a result of an order signed in the Supreme Court yesterday by Justice Giegerich, in confirming the report of Percival H. Gregory as referee.

The stockholders have received \$120 a share in two previous distributions of the company's cash assets. Under Justice Giegerich's order the shareholders get 2 1/2 cents for each of the 127,550 shares outstanding and any further payment will depend on whether the company is able to dispose of its remaining property.

The order is entered, was brought in the name of William D. Tyndall, a lawyer at 41 Broadway, who alleged in the course of his suit that between \$2,000,000 and \$3,000,000 had been paid to the shareholders in the company and that the bulk of this money went to the insiders in the cemetery management, who are alleged to have bought stock for about \$5 a share and sold it as high as \$50.

Under the order, the president and William H. Locke, Jr., the secretary of the cemetery company, have been accused with other officers of using the company's headquarters and office to sell stock on their own account, rather than for the purpose of disposing of cemetery lots for the benefit of the shareholders.

Eleven Companies Merged.

Supreme Court Justice William H. Gregory of Nassau county, who was a member of the executive committee of the company until charges of serious mismanagement resulted in his resignation, said the Supreme Court in New York county that the court was warranted in making an investigation of the company's finances, the largest individual shareholder. He got a part of his stock in payment for his work as attorney some thirteen years ago when eleven small cemetery corporations on Long Island consolidated a site Pineclaw cemetery and had their action approved by Supreme Court Justice Smith in Nassau county.

The Pineclaw promoters first attracted attention to their financial methods when they took a tract of land near Babylon, L. I., then heavily mortgaged, and obtained additional mortgages on the property for \$5,555,000. Then the promoters offered \$27,550 purchase money shares to the public, the shareholders being entitled to receive one-half of the proceeds of all the money paid to the company for cemetery lots.

In order to boost this stock the promoters prepared figures to show that while the shares had a book value of only \$33, the company ought to be able to pay out \$1,489,121 in dividends when the property was sold. The shareholders, being entitled to get \$2,358,240 for the property.

The referee's report, which came before Justice Giegerich, showed that about one-quarter of the property has been sold. The total amount received by the company is about \$350,000. Of this amount the company got \$176,687 from the trustees of St. Patrick's Cathedral for 504.82 acres sold to the trustees under authority granted by an act of the Legislature in 1912. This sale was subject to brokers' commissions and netted the company only \$156,210. A sale of five acres to St. Paul's cathedral netted \$1,000, since the company was organized in 1902 it has realized only \$17,531 in the sale of cemetery lots.

Referee Gregory reported that the shareholders were entitled to \$10,377 interest on money belonging to them which the cemetery directors mingled with their own money, and said that out of a total of \$10,377, with which the company is charged, it has paid \$163,634, leaving \$12,743 to be distributed among the 1,000 holders of the 127,550 shares.

In his opinion the referee said that the promoters got for two parcels of land sold by the company, \$2,000,000 and the sum the land would have sold for if disposed of by the lot in the usual course of business.

Recovery Not Possible.

On this point the referee said that while the cemetery officers acted in violation of the rights of the shareholders, they can be charged only with what they received because one-half the money realized on the sale of lots must be held to pay for the maintenance of the cemetery in perpetuity.

It is alleged by the plaintiff that the money which the company is directed to pay aside as a fund for the maintenance of the cemetery has already been spent in the payment of its debts. Justice Giegerich directed that the cost of the litigation against the company be paid out of the corporation's own funds and not out of the money due the certificate holders.

Mr. Tyndall's suit has been pending for five years, and during that time many obstacles were interposed to prevent the company from having a court hearing. So many adjournments of proceedings in the suit were granted over the objection of Mr. Tyndall as to cause him to charge that the delays were due to influence exerted by persons interested in postponing judicial action in the case indefinitely.

Although the shareholders have sustained heavy losses by their investment in the cemetery, it is expected, will prevent action against the persons responsible for the losses.

Clinton L. Rosier, vice-president of the Brooklyn Trust Company and treasurer of the Brooklyn Rapid Transit Company, was an officer of the cemetery company until he was accused by a R. R. T. conductor who sold him stock in the cemetery company because Mr. Rosier was an officer.

Mr. Rosier charged that as a result of an investigation he had found that the President of the cemetery bought stock from the company at from \$5 to \$10 a share and sold it at from \$25 to \$35. The highest sales were at \$50 a share.

The Pineclaw company now has an office at 35 West Thirty-second street, Manhattan, and at 188 Montague street, Brooklyn.

THE WANAMAKER SEAPLANE AMERICA SLIDES DOWN WAYS

Giant Flier, Omen Bedecked, Successfully Launched on Lake Keuka.

HAMMONDSPORT, N. Y., June 22.—Rodman Wanamaker's transatlantic flying boat America was formally christened this afternoon by Miss Katherine Masson on the shore of Lake Keuka. Six attempts were made to break a bottle of domestic champagne over her bow and Lieut. John Cyril Porte finally succeeded in completing the ceremony with a sledgehammer. The flying boat slid down the ways into Lake Keuka shortly after the christening. The first trial flight will be made by Lieut. Porte to-morrow morning.

The hull and the engine section of the huge seaplane were wheeled down the steep hill from the factory in a drizzling rain this morning. It is a mile through the village to the lake shore, but they are so used to seeing aeroplanes that it excited little more than idle curiosity. There were a few score villagers at the christening and the number was doubled by newspaper men, movie operators and photographers.

Lieut. Porte was directing the assembling of the giant red aeroplane. Francis S. Waldman circled over the craft in a stock Curtis flying boat that was miniature in comparison. The assemblers continued work during the ceremony and the wing section was added afterward.

Lieut. Porte, who believes in omens, tied two horseshoes to the champagne bottle and George Hallett, his flying partner, suspended the bottle by a wire so that it would swing against the bow of the flier. Glenn H. Curtiss, the builder, tied a United States flag and an Aero Club of America pennant to the engine struts.

Reads Christening Poem.

Preparations for the christening were completed by 4 o'clock. Miss Masson, Lieut. Porte, Mr. Hallett, Dr. A. F. Zahn of the Smithsonian Institution in Washington and Lyman J. Seely, sales manager of the Curtis Aeroplane Company, stepped in range of the camera battery. Miss Masson, dressed in white, read this christening poem by Dr. Zahn:

Majestic courser of the sea and air,
Within this ample hold
Two navigators brave
The Atlantic main abiding are to bear
Glad greeting from the new world to the old,
Peace herald of the century.

America! Christen thee the champagne bottle. It hit the nose fairly, but rebounded without a crack. She tried again with the same result. Then Lieut. Porte tried twice, but the best he could do was to knock away the horseshoes.

The practical George Hallett then handed Lieut. Porte a heavy sledge, which did the trick in two blows. The bits of bottle glass were carried away as souvenirs. Lieut. Porte is visibly worried these days. There wasn't a smile from him during the christening and he could scarcely bring one into play when urged to do so by the movie men.

Before the movie men pushed down the ways into the lake some one asked



Photo by Brenner.
Miss Katherine Masson.
Who acted as sponsor for Rodman Wanamaker's seaplane America.

why no British emblem had been put on her in honor of the Irish aviator. There wasn't a British flag to be had, but George Bateman, correspondent of the London Chronicle, produced an English postage stamp bearing a picture of King George, which he formally affixed to the bow.

Boat's Balance Is Perfect.

Then all hands pushed the craft into the water. It took forty men to start her down the ways, and the planks cracked and splintered beneath her. With Lieut. Porte in the pilot house, she was shoved twenty yards before she floated. The balance of the boat was perfect. There was no gasoline in the tanks and she rode high on the water with the balancing pontoons just touching the surface. No attempt was made to start the engine and the machine was hauled ashore for the night.

No representative of Mr. Wanamaker was present, nor were there any officials from the Aero Club of America. The Aero Club officials and William D. Cash, Rodman Wanamaker's personal representative, are expected to-morrow morning for the initial flight.

There are still some changes to be made in the machine before it can be called complete. It will be ready to fly as soon as the motors are synchronized to-morrow, but before the start of the transatlantic trip new radiators are to be added, new experimental propellers to be tried and other minor details to be worked out. The special radiators have not arrived here yet, but stock radiators from the Curtiss plant have been strapped to the engine struts for the trials. A Buffalo man has sent a set of propellers which will replace the Curtiss propellers if they give a greater thrust.

BELASCO'S ASSISTANT RUES HORSE BARGAIN

Miss Richardson Buys Steed by Proxy for Her Farm, Then Goes to Court.

Miss Dorothy Richardson, assistant to David Belasco, is a victim of a dramatic scientific farming and the art of leading the simple life when things are dull in a theatrical way. But as to horses, she is a devotee. She is a devotee of the purchase of one that promises to have the glanders and about all the other ailments to which a horse is heir.

She admitted her ignorance of horse trading yesterday after Justice Young in the fifth District Municipal Court had adjourned for one week her suit against James McElroy, a West Side produce merchant, to recover \$150 which she gave him to buy her an able bodied horse and first rate equipment.

Miss Richardson charges that McElroy "fraudulently misapprehended" the money she gave him. She accordingly demands her money back with interest from May 4. McElroy, in his answer, says he is not an expert horseman and did not know when he bought the animal that it was in bad health.

Miss Richardson owns 500 acres with all necessary farming equipment, except a horse, near Philipstown. When she decided she needed a horse, she spoke her neighbors and was advised to get McElroy to make the purchase. She accepted that advice and soon McElroy announced he had a splendid animal for her.

When the animal reached Peekskill he was started toward the farm. He went a few feet, then halted to get his breath. Under gentle urging, he started again but presently part of the harness broke. As the horse took a nap and the driver stopped to mend the harness alternately the four miles to the farm was an all day journey.

As the animal was nearing the farm, a neighbor drove up. He took one glance at the horse and then hurried on as if he feared infection. In a few days Dr. Albert N. Townner of the State Agricultural Department appeared and diagnosed the horse's trouble as glanders. He quarantined the animal pending further examination. Then it was found that the horse not only had glanders, but also had a spavin, a ringbone, a touch of the heaves and a few other ailments.

Charles F. Hepburn Quits Bank Job.

PORTLAND, Ore., June 22.—Charles Fisher Hepburn, son of A. Barton Hepburn of New York, director of banks and corporations, resigned as assistant cashier of a bank here to-day and started for New York.

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5 passenger, 34-40 four cylinder touring, \$1,585

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Service Station, 351 West 52d St.

JUDGE SWANN DENIES HOUNDING BY POLICE

Flatly Contradicts Testimony of Schwitofsky, Who Says He Was Railroaded.

DETECTIVES HIS FRIENDS

Suspended Sentence on Their Advice—Sleuths Tell of His Arrest.

Judge Edward Swann of the Court of General Sessions was a witness last night before the Parole Board, which is sitting as a special commission to determine whether or not Alfred Schwitofsky, now serving twenty years in Sing Sing, was justly convicted of robbing the home of Theodore B. Dale in West Forty-fifth street in 1911. Schwitofsky's friends appealed to Gov. Glynn for a reopening of the case on the ground that the young man was hounded for years by the police and finally sent away on a trumped up charge.

Schwitofsky has testified that when he was arrested in March, 1908, on charges of carrying burglars' tools and of burglary, Judge Swann promised to suspend sentence if he would plead guilty. Judge Swann denied this last night and said that when he did suspend sentence Schwitofsky promised to go to Austria within a month. Judge Swann also said he consulted Detectives Kinsler and Duggan and that far from exhibiting a desire to send Schwitofsky to jail they agreed it would be a good thing to suspend sentence and to get him out of the country and away from his associates.

Judge Swann said he investigated the case personally and that Probation Officer Kimball also made an investigation. They found no evidence of a conspiracy of any kind to keep Schwitofsky in jail.

Miss Nora Murphy, who was employed as a gown draper by Dale and who identified Schwitofsky as the man who was in Dale's house at the time of the robbery, completely upset the testimony of Kinsler, Duggan and Capt. William A. Hunt of the court squad as to the manner of the identification. They had all said that Schwitofsky was picked out of a crowd of spectators by Miss Murphy and two other women. She testified last night that the only identification made was at a desk in a rear room of the East Fifty-seventh street court and that she had seen Schwitofsky from the time he was arrested here for stealing \$20,000 worth of jewelry until they met him one night in Second avenue some years later and locked him up as a vagrant.

Before the start of the trial, the friend and associate of thieves, and Mr. Delehanty proved it by reading from Schwitofsky's own letters to Judge Swann.

Duggan testified that when he was a detective it was his practice to arrest on sight any man whom he knew for a crook and to bring him to Police Headquarters so that other detectives could get acquainted with him. He said his informant told him of Schwitofsky's associates and that the first time he caught sight of Schwitofsky he arrested him.

"Is that the way the detectives do it?" asked Judge Riley.

"Well, that's the way I did it," said Duggan.

"Then I think the Police Department needs re-forming down here," said Judge Riley. "Any man who does that ought to be driven out of the department."

Kinsler denied arresting Schwitofsky in December, 1907, and when Mr. Untermyer said that Schwitofsky declared Kinsler arrested him, Kinsler said Schwitofsky was wrong. Last night Policeman Scherer testified that he and a citizen friend arrested Schwitofsky and another man on that occasion.

The testimony of the two detectives did not bear at all on the question of whether or not Schwitofsky was the man who tried to rob Dale's home. The man who tried to rob Dale's home, Kinsler said, was a different man from the man who was arrested on that occasion.

Another setback for the applicant was the testimony of Detective John Tait, who, Schwitofsky has sworn, frequently met him on the street and told him he had better get out of town, in other words that he was one of the "police hounds."

The course is to be under the general direction of Prof. Cecil H. Peabody, head of the department of naval architecture and marine engineering, and will be conducted by Assistant Naval Constructor Jerome C. Hunsaker, U. S. N., who is detailed for this service by the Secretary of the Navy.

NILES TO LOOP IN AIR TO-DAY.

Aviator Comes From Garden City in Monoplane for Capers.

Charles S. Niles flew his new Moisant monoplane from Garden City to Governors Island yesterday afternoon. He left the machine on the parade ground there and is ready to go to the afternoon to out up capers in the air. If the weather permits Niles will begin an exhibition at 3:30 this afternoon, in which he will try to show only those that he can outdo Beachey in aerial gyrations.

Niles is going to loop the loop around the Statue of Liberty, fly upside down, dive head first and tail first, fly over and under the East River bridge, in a leap frog fashion and perform other dangerous feats.

Niles left Garden City shortly after a o'clock yesterday afternoon for his flight to Governors Island. He circled around the Statue of Liberty and came down over the East River. He flew high in the air and probably didn't know that he cut over a corner of lower Manhattan.

He circled around the Statue of Liberty and glided to rest on the parade ground at Governors Island from a height of 2,000 feet. He got out of his monoplane dressed as though stepping out of a parade and wearing a natty straw hat.

CITY COURT KNOT IN REGAN'S WINE SUIT

Most of Justices Saw Smith of Tammany Beard Lord of Knickerbocker.

PROBLEM—WHO WILL SIT?

Inside Information About Two Wines at Friends of Ireland Feast.

The City Court of the City of New York, nine Justices and a Chief Justice, has so much inside information about the wine suit brought by James B. Regan, proprietor of the Hotel Knickerbocker, against the Friends of Ireland that the matter of selecting a Justice to try the case has become a ticklish proposition.

On the eve of last St. Patrick's day, when the Friends, headed by Tom Smith of Tammany Hall, gave their annual dinner at the Knickerbocker and refused to drink the wine Mr. Regan served because it wasn't the wine favored by everybody's friend, Maurice Quinlan, the City Court Justices attended either as members of the organization or as friends of Tom Smith, who is clerk of the City Court when he isn't secretizing for Tammany Hall.

If you stop to think a minute you can see for yourself how the Justices feel about it. Most of them were lolling comfortably when Regan's waiters began to spot the tables with c. q. s. Most of them saw that the intelligent Swiss put Regan's brand of wine on Quinlan's table, where Tommy Smith, boss of the dinner, was also sitting, and planked down upon the other fifty-nine tables a brand that Brother Quinlan scorns privately and professionally.

Saw Smith Beard Regan.

Most of the Justices heard the indignant whispers that ran around the room. Most of them saw and heard Tommy Smith when he bearded Regan and demanded justice and a proper kind of jugle wine. Most of them heard Tommy Smith's fervent statement that he would have walked out with the 304 members of the Friends and their guests and left Regan and the Knickerbocker flat if Job Hedges hadn't been about to speak and if there hadn't been other innocent Republicans and bystanders around the festal board.

There came very nearly being a lovely rumput that night, because when Tammany is sore it is sore, and Tom Smith, while loving peace, is no foolish advocate of disarmament.

So there you are. Here is the case of James B. Regan vs. the Friends of Ireland set for trial on Thursday and most of the Justices going out in the City Hall Park every half hour for a laugh. If this be contempt of court, gentlemen, make the most of it; because your own clerk handed out the facts, real or alleged, about this story, and if the clerk of the City Court isn't to be believed, who is? We ask again, who is? Nobody.

Somebody will have to take his place on the bench with his best magisterial frown and do his best to keep from smiling while Frederick C. Keating, counsel for the Friends of Ireland, hectors, harasses, heckles, girds at, flouts, sneers at and otherwise examines Proprietor Regan, who is supported by Max D. St. John.

All Tammany Hall and about 1,000,000 more or less closely interested in everything that touches Tammany's social side are waiting for the problem to be solved.

Justice Green Picked by Talent.

The trial judge will be picked from these: Chief Justice Edward P. O'Dwyer, Justices Francis H. Delehanty, Joseph I. Green, John A. McAvoy, Robert L. Lane, Alexander F. Fitch, Richard T. Lynch, Peter Schmuck, Edward R. La Petra and Richard H. Smith. The odds were about 4 to 5 last night that Justice Green would sit, but the handbook men, who thronged the corridors of the City Court and begged Tom Smith for any little bit, any little rag of information, were hazy as to whether or not Justice Green had attended the St. Patrick's eve dinner as a guest.

The latest development of the case was the appearance at 2 P. M. yesterday of Lawyers Keating and Stener before Justice McAvoy. A week ago Mr. Keating had obtained from Justice La Petra an order requiring Mr. Regan to appear.

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Not what we have to offer, but what you need, which happens to be the same thing.

Leases now being made from May 1, 1915. The building, however, is due to be completed 2 or 3 months ahead of that date.

Equitable Building

Temporary Office, 27 Pine Street

BOUCK WHITE'S JAIL SENTENCE AFFIRMED

Minister Must Serve Six Months for Disturbing Calvary Service.

Judge Malone in General Sessions affirmed yesterday the sentence of six months in the workhouse which Magistrate Campbell imposed on the Rev. Bouck White for disturbing the services of the Calvary Baptist Church on May 10. He said that White, because of his vocation, should have known better than to disturb the peace of a church.

"I entertain no doubt about the facts in the case," said Judge Malone after listening to arguments by James W. Osborne, representing White, and Assistant District Attorney James E. Smith. "I see no reason for keeping the parties in suspense. The question involved lies within a very narrow compass: Was the defendant properly found guilty of disorderly conduct tending to a breach of the peace? That will depend upon whether his conduct was calculated to stir up tumult and confusion."

"But I think that the law is perfectly well settled that no man in a house of religious worship on the Lord's Day, in a discontented frame of mind himself, is to induce that discontent into the minds of other persons, by which the tendency may be to disturb the tranquility and peace of those communicating at divine service."

"If he does that he becomes a very capital offender against the law, because whatever disturbs the peace of mind of persons thus congregated is an act that is a detriment to us all."

Judge Malone also affirmed the sentences of six months each imposed on Michael J. Woolman and Mary Woolman, who were visitors to the church with White on May 10.

A number of Socialists were in court to hear the arguments of Mr. Osborne and Mr. Smith, and also to await the Judge's decision. Among them was Mrs. Iva Millholland Boissavain. Mr. Osborne contended that White had not gone to church with any idea of doing any harm. He argued that the imposition of the sentence had been due to a feeling that the public was against such conduct. One of his comments on the trial and sentence of White was:

"Judge Campbell took a broadaxe to split a straw."

Smith argued that White was not acting in good faith and said that the sentence should be affirmed.

Mayor Mitchell has been importuned to come to the aid of White. He has a copy of the court record.

"I have not had time to read the record and I would only be butting in," he said when asked if he would have anything to do with the case. "That is no part of the function of the Mayor, and I shall not make any recommendation to the court under any circumstances."

MAY END GIRL'S FIGHT ON HOE.

Verdict in \$75,000 Case, Says Lawyer, Will Affect \$225,000 Action.

An affidavit submitted to Supreme Court Justice Hendrick yesterday by counsel for Arthur I. Hoe indicates that a second trial of Miss Mae A. Sullivan's \$225,000 suit against Hoe, in which the jury disagreed at the first trial, depends upon the verdict in another suit brought by the girl. The affidavit was in answer to an application by counsel for Miss Sullivan to have the case marked for a second trial on the first day of the October term.

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7200 Miles

—the rule, not the exception

This photograph was taken when the Overman Tire shown had gone 7200 miles.

It was first put on a rear wheel and was punctured by a large wire spike at 4650 miles. The change was then made to a front wheel. Since the picture was taken the car has run over 800 miles more, and the tire is still in splendid condition. There has been but the one puncture and the same tube is still used.

This is the rule with Overman Tires, not the exception!

The Overman Cushion-Tread Pneumatic Tire

is guaranteed for 5000 miles but is far better than its guarantee.

Last week we published a letter from a Simplex owner, who equipped his car last August with four Overmans. The first was taken off at 9100 miles; the second, a trifle over 9200. We have on file scores of such letters.

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